

**STATE BOARD OF EDUCATION**

**STATE OF GEORGIA**

<b>M. B.,</b>	:	
	:	
<b>Appellant,</b>	:	
	:	
<b>vs.</b>	:	<b>CASE NO. 2002-12</b>
	:	
<b>GWINNETT COUNTY</b>	:	<b>DECISION</b>
<b>BOARD OF EDUCATION,</b>	:	
	:	
<b>Appellee.</b>	:	

This is an appeal by M. B. (Student) from a decision by the Gwinnett County Board of Education (Local Board) to uphold the decision of a student disciplinary tribunal to expel him from regular school for the first semester of the 2001-2002 school year after finding him guilty of pulling a fire alarm in a high school. The Student failed to file a brief or request oral argument. The Student's appeal, therefore, is deemed to have been abandoned. *Chris M. v. McIntosh Cnty. Bd. of Educ.*, Case No. 1995-47 (Ga. SBE, Jan. 11, 1996). Accordingly, the appeal is hereby  
**DISMISSED.**

Even if the appeal was not abandoned, the Local Board's decision would stand. The only issues raised before the Local Board were that the punishment was too harsh, the Student was denied due process because testimony concerning conduct by the police was not admitted, and the investigation by the administration was incomplete.

"A local board of education ... is charged with the responsibility of managing the operation of its schools, and, in matters of discipline, the State Board of Education cannot substitute its judgment for the judgment of the local board. *See, Boney v. County Board of Education for Telfair County*, 203 Ga. 152, 45 S.E.2d 442 (1947); *Braceley v. Burke County Bd. of Ed.*, Case No. 1978-7." *Joseph M. v. Jasper Cnty. Bd. of Educ.*, Case No. 1981-40 (Ga. SBE, Feb. 11, 1982). "The State Board of Education ... cannot adjust the level or degree of discipline imposed by a local board of education." *B. K. v. Bartow Cnty. Bd. of Educ.*, Case No. 1998-33 (Ga. SBE, Sep. 10, 1998).

Beyond the bald conclusion, the Student did not show how the failure to admit testimony about his incarceration by the police was harmful or denied him due process, or that such testimony was even relevant to the proceeding before the tribunal.

The administration has no obligation to conduct a certain amount of investigation. Its obligation is to inform the student of the charges against him and to allow him an

opportunity to present his side of the story. *See, Dixon v. Alabama St. Bd. of Educ.*, 294 F.2d 150 (5<sup>th</sup> Cir., 1961).

This \_\_\_\_\_ day of November 2001.

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Bruce Jackson  
Vice Chairman for Appeals